

Message Text

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65

ACTION SMI-01

INFO OCT-01 NEA-10 ISO-00 OES-03 ABF-01 FS-01 /017 W

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R 121442Z FEB 76

FM AMEMBASSY TUNIS

TO SECSTATE WASHDC 1669

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FOR SMI/ ROBINSON

E.O. 11652: N/A

TAGS: OSCI, TBIO, TS

SUBJ: SMI/SFCP/MMSC--BACCAR CASE

1. SMI LAWYER DAKHLAOUI HAS REQUESTED EMBASSY ATTESTATION TO EFFECT THAT MMSC WAS NEVER CONCEIVED TO BE A PERMANENT INSTITUTION. ATTESTATION NEEDED TO COUNTER BACCAR LAWYER CONTENTION THAT 1966 SMI/GOT AGREEMENT ESTABLISHING MMSC WAS OF PERMANENT, NOT TEMPORARY, NATURE. DAKHLAOUI HAS CITED TEMPORARY CLAUSE IN WORK CONTRACT AS WELL AS ANNUAL CONGRESSIONAL FUNDING REQUIREMENT LAID OUT SMI DOCUMENT "ADMINISTRATION OF SMI FOREIGN CURRENCY GRANTS" IN PREVIOUS BRIEFS.

2. IN RESPONSE DAKHLAOUI REQUEST, EMBASSY PROPOSES TO PROVIDE ATTESTATION IN FRENCH OF FOLLOWING TEXT: QUOTE ON BEHALF OF THE UNITED STATES GOVERNMENT AND THE SMITHSONIAN INSTITUTION, THE EMBASSY OF THE UNITED STATES AFFIRMS THAT THE JOINT AMERICAN/TUNISIAN SCIENTIFIC RESEARCH CENTER, ENTITLED THE MEDITERRANEAN MARINE SORTING CENTER, WAS, SINCE ITS INCEPTION, A TEMPORARY PROJECT, RELAYING UPON ANNUAL GRANTS FROM THE SMITHSONIAN INSTITUTION AND SUBJECT TO ANNUAL APPROPRIATIONS FROM THE US CONGRESS. THE SMITHSONIAN INSTITUTION WAS ABLE TO RENEW THIS PROJECT, ANNUALLY, FROM 1966 UNTIL 1975. BUDGETARY CONSIDERATIONS, HOWEVER, DID NOT PERMIT THE RENEWAL OF THE GRANT BEYOND JUNE 30, 1975, AT WHICH TIME THE PROJECT AND ITS DEPENDENT, THE

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MEDITERRANEAN MARINE SORTING CENTER, CEASED TO EXIST. IN

A DIPLOMATIC NOTE, DATED AUGUST 15, 1975, THE EMBASSY
OUTLINED THE HISTORY OF THE PROJECT AND NOTIFIED THE
TUNISIAN GOVERNMENT OF ITS TERMINATION.

THE EMBASSY ALSO AFFIRMS THAT UNITED STATES LAW DOES
NOT PERMIT US AGENCIES TO ENGAGE IN PERMANENT COMMITMENTS
UNDER THE SPECIAL FOREIGN CURRENCY COLLABORATIVE RESEARCH
PROGRAM. UNQUOTE.

3. ACTION REQUESTED: (A) BY RETURN CABLE, PLS GIVE
CONCURRENCE FOR ABOVE TEXT, OR PROVIDE CHANGES. (B)
ADVISE WHETHER VARIOUS LEGAL BRIEFS, ARGUMENTS, ETC.,
SHOULD BE FORWARDED TO SMI.

SEELYE

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Message Attributes

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Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
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Margaret P. Grafeld
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